

8-8-7

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Docket No.: 2750-1483P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Nickolai ALEXANDROV et al.

Application No.: 09/940,256

Confirmation No.: 8352

Filed: August 24, 2001

Art Unit: N/A

For: SEQUENCE-DETERMINED DNA
FRAGMENTS AND CORRESPONDING
POLYPEPTIDES ENCODED THEREBY

Examiner: N/A

**REQUEST TO CORRECT THE USPTO RECORDS WITH RESPECT TO THE
FILING DATE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the USPTO records be corrected to accurately record the proper filing date for the above-identified application.

The filing date for the present application is currently indicated on PAIR as July 21, 2002. This date is incorrect, and the actual filing date of the present application is August 24, 2001, as evidenced by the following facts.

1. The present application was filed on August 24, 2001 under the "Express Mail" provisions. (See the enclosed copy of the first page of the filing request form, Exhibit 1, which includes a certificate of Express Mail; and a copy of the Return Postcard. Exhibit 2, which indicates the serial number assigned by the USPTO as well as the filing date of "08/24/01").
2. The USPTO subsequently issued a filing receipt on November 29, 2001 which correctly indicated the filing date of the application as August 24, 2001 (Exhibit 3).

3. A "Notice to File Missing Parts of Non-Provisional Application" was also issued on November 29, 2001 and that document also properly indicated the filing date of the application as August 24, 2001 (Exhibit 4).

4. Applicants subsequently filed a request for a corrected Official Filing Receipt on July 1, 2002 in order to correct information relating to priority data and to properly indicate that a non-publication request was not filed in connection with the application (Exhibit 5).

5. The present application was subsequently abandoned in favor of a continuation application that was filed on May 19, 2002.

6. For some reason, not understood by the undersigned, the USPTO subsequently issued a second "Notice to File Missing Parts of a Non-Provisional Application" on November 21, 2002, and that document for the first time incorrectly indicated the filing date of the present application as July 21, 2002 (Exhibit 6). This communication was both issued in error by the USPTO and appears to be the source of the error in the PAIR system which incorrectly indicates the filing date of the present application as July 21, 2002.

7. Applicants submit that the evidence clearly indicates that the present application was properly filed on August 24, 2001, that the USPTO correctly assigned that filing date to the present application, but that the USPTO improperly changed the records to indicate a different and wrong filing date for the present application. It is, therefore, respectfully requested that the USPTO make the necessary changes to correct this error, and specifically to correct the PAIR system records and any other records to correctly indicate the filing date of the present application as August 24, 2001.

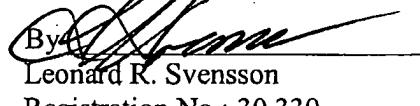
Since this request is made to correct an error made solely on the part of the USPTO, Applicants believe that correction of the error should be made without the payment of any additional fees by the Applicants. If, however, the USPTO determines that this correction requires the filing of a petition, then the USPTO is requested to construe this request as the

necessary petition and to charge any required fee under 37 CFR 1.17 to deposit account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: August 8, 2007

Respectfully submitted,


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